

REMARKS

This Amendment is in response to the final Office Action mailed July 26, 2005. Claims 1-7, 9, 11-16, and 18-22 are pending in the Office Action. Claims 1-7, 9, 11-16, and 18-22 were rejected. Claims 1, 9, 13 and 18 have been amended and remain within the same scope as the submission of April 25, 2005. No new claims have been added. Applicant respectfully requests reconsideration and examination in view of the following remarks. Applicant reserves the right to pursue the original claims in this application and in other applications.

Claim Rejections – 35 USC § 102

Claims 1-8 and 10-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagendran, U.S. Patent No. 6,731,940 (hereinafter Nagendran). Applicant traverses the rejection and respectfully requests reconsideration.

Amended claim 1 recites a method for providing entry node location information to a service provider in a wireless telecommunication system, comprising the steps of, *inter alia*, extracting resource identification information from call record data associated with a wireless billing system, sending resource identification information for the entry node to the service provider based on the radio frequency acknowledgement and determining the location of the entry node based on the resource identification information from the entry node.

Amended claim 13 recites a system for providing entry node location information to a service provider in a wireless telecommunication system comprising, *inter alia*, a mobile switch operative to send resource identification information for the entry node to the service provider based on the radio frequency acknowledgement through the wireless telecommunications entry node and to extract resource identification information from call record data associated with a wireless billing system.

Nagendran discloses a method for using the RF signal characteristics, or information derived therefrom, of the receiving wireless device to customize the delivery and or content of information to the receiving wireless device, for one or more wireless devices, including, but not limited to, mobile wireless communication devices. See Nagendran column 2, lines 13-18. Nagendran also discloses

After the signal signature has been determined, it is then compared to a database of calibrated signal signatures and corresponding locations. The database of calibrated signal signatures and corresponding locations can be generated by a calibration procedure in which GPS location data of a calibration mobile unit is associated with the signal signature of the calibration mobile unit received at the base station. By searching such a database, a location which has a calibrated signature associated with it that best matches the measured signature is selected as the most likely location of the mobile device. The entire location finding process takes place within seconds, fractions of seconds or near real-time.

See Nagendran column 5, lines 10-21.

Nagendran fails to teach or suggest all the limitations of claims 1 and 13. Specifically, Nagendran fails to teach or suggest the steps of extracting resource identification information from call record data associated with a wireless billing system, sending resource identification information for the entry node to the service provider based on the radio frequency acknowledgement and determining the location of the entry node based on the resource identification information from the entry node, as recited in claim 1. To the contrary, Nagendran merely discloses the use of GPS to obtain location data. Accordingly, the rejection of claim 1 should be withdrawn.

Regarding claim 13, Nagendran fails to teach or suggest a mobile switch operative to send resource identification information for the entry node to the service provider based on the radio frequency acknowledgement through the wireless telecommunications entry node and to extract resource identification information from call record data associated with a wireless billing system. As mentioned above, Nagendran merely uses GPS and does not extract information from a mobile switch in a manner recited in claim 13. Accordingly, the rejection of claim 13 should be withdrawn.

Claims 2-7, 9, 11 and 12 depend directly or indirectly from claim 1, claims 14-16 and 18 depend directly or indirectly from claim 13 and are allowable along with claims 1 and 13, respectively, for the reasons mentioned above and on their own merit.

Claim Rejections – 35 USC § 103

Claims 9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagendran in view of Brody et al., U.S. Patent No. 4,670,899 (hereinafter Brody). Applicant respectfully requests reconsideration.

The Office Action fails to establish a *prima facie* case of obviousness for the subject matter of claims 1, 13 and 19. Courts have generally recognized that a showing of a *prima facie* case of obviousness necessitates three requirements: (i) some suggestion or motivation, whether in the references themselves or in the knowledge of a person of ordinary skill in the art to modify the reference or combine the reference teachings; (ii) a reasonable expectation of success; and (iii) the prior art references must teach or suggest all claim limitations. See e.g., In re Dembiczak, 175 F.3d 994 (Fed. Cir 1999); In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998); Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573 (Fed. Cir. 1996). The references used in the Office Action fail at least the third prong of obviousness in that the prior art references do not teach or suggest all claim limitations.

Claim 9 depends from claim 1 and is allowable over Nagendran along with claim 1 for the reasons mentioned above and on its own merit.

Claim 19 recites a method for providing entry node location information to a service provider in a wireless telecommunication system comprising the steps of, *inter alia*, at a switch, extracting the resource identification information from the traffic log and sending the subscriber data packet, a positive acknowledgement and the resource identification information to the service provider.

The Office Action acknowledges that Nagendran fails to teach or suggest extracting resource identification information from a traffic log. In order to overcome this deficiency in Nagendran, the Office Action relies on Brody.

Brody discloses a method of dynamically redistributing cells by selectively transferring ongoing calls to adjacent cells in accordance with traffic level in order to reserve channels for hand-offs and for new calls. See Brody column 7, lines 4-8. Brody also discloses that

Each cell of system 10 has associated with it a Table 80 called LBSTATUS ("Load Balancing Status") and a Table 94 called "Adjacent Cell Table". The LBSTATUS Table 80 of each cell stores information concerning cell mode and cell VCO as well as the DHTHRESH and DRTHRESH values assigned to the

cell. The LBSTATUS Table 80 includes: a present cell mode field 82 (which stores indicia of the present mode of the cell, either normal, directed hand-off, directed retry or combined); a field 84 storing the cell mode the last time the cell status was updated; a VCO level field 86 (which stores the current voice channel occupancy level of the cell); a field 88 containing the number of unoccupied (seizable) voice channels of the cell (i.e., the number of voice channel transceivers of the cell site base station which are not presently in use); a field 90 containing the total number cell of voice channels (i.e., the total number of voice channel transceivers of the cell site base station); a DHTHRESH field 92; and a DRTHRESH field 94.

See Brody column 13, lines 37-58.

Brody fails to teach or suggest the steps of at a switch, extracting the resource identification information from the traffic log and sending the subscriber data packet, a positive acknowledgement and the resource identification information to the service provider. To the contrary, Brody merely determines the load status of a given cell location to determine if loading for a cell should be altered.

Thus, Nagendran and Brody whether considered alone or in combination fail to teach or suggest all the limitations of claim 19. Accordingly, claim 19 is allowable over Nagendran and Brody, or a combination thereof. Claims 20-22 depend from claim 19 and are allowable over Nagendran and Brody along with claim 19 for the reasons mentioned above and on their own merit.

Claims 1 and claim 13 recite limitations similar to claim 19 and are allowable over Brody. Thus, Nagendran and Brody whether considered alone or in combination fail to teach or suggest all the limitations of claims 1 and 13. Accordingly, claims 1 and 13 are allowable over Nagendran and Brody, or a combination thereof. Claims 2-7, 9, 11 and 12 depend directly or indirectly from claim 1, claims 14-16 and 18 depend directly or indirectly from claim 13 and are allowable along with claims 1 and 13, respectively, for the reasons mentioned above and on their own merit.

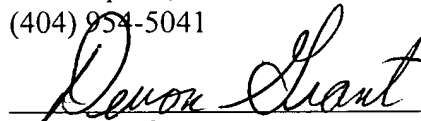
CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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